

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Milagros Ortiz	19-17496 MDC
Debtor	Chapter 13 Proceeding
PENNYMAC LOAN SERVICES, LLC	
Movant	
v. Milagros Ortiz and William C. Miller, Esquire	
Respondents	

**MOTION OF PENNYMAC LOAN SERVICES, LLC
FOR RELIEF FROM THE AUTOMATIC STAY**

AND NOW, comes secured Creditor, PENNYMAC LOAN SERVICES, LLC(Movant) by and through its counsel, POWERS KIRN, LLC, (Jill Manuel-Coughlin on behalf of the firm), hereby requests that the Court grant it relief pursuant to 11 U.S.C. §362(d) from the automatic stay of 11 U.S.C. §362(a) due to lack of equity in debtor' property and debtor' failure to provide Movant with adequate protection of its interest in the property which is the basis of the creditor's security.

1. On or about December 2, 2019, Debtor filed a Chapter 13 Bankruptcy Petition.
2. The Debtor has executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$61,928.00 (the "Note"). A copy of the Note is attached hereto as **EXHIBIT A**. Movant is an entity entitled to enforce the Note.
3. On 04/30/2004, the debtor executed a Mortgage to Movant and/or Movant's assignor (recorded 05/07/2004 at) and secured by the property located at 5017 Loretto Avenue, Philadelphia, PA 19124, referred to as the "Property" (**EXHIBIT B**). All rights and remedies under the Mortgage have been assigned to the Movant pursuant to an assignment of mortgage (**EXHIBIT C**).
4. A copy of the Loan Modification recorded 7/23/2015 is attached hereto as **EXHIBIT D**.
5. As of 6/8/2020, the total owing to Movant is \$158,757.49.
6. Per Debtor's Schedule A/B, the approximate value of the property is \$126,760.00 (**EXHIBIT E**).
7. As of 6/8/2020, the debtor is in arrears post petition for six (6) monthly payments, from 1/1/2020 through 6/1/2020 at \$869.45 per month. The total post-petition arrearage is **\$5,216.70**.
8. Pursuant to 11 U.S.C.A. section 362(d)(1) and (2), PENNYMAC LOAN SERVICES, LLC is not adequately protected and will suffer irreparable injury, harm and damage if relief from the stay is not granted.

WHEREFORE, Movant respectfully request the Honorable Court ORDER:

That Relief from the Automatic Stay be granted to PENNYMAC LOAN SERVICES, LLC to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy law. And that Bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non-Bankruptcy law. Furthermore, Movant respectfully requests that reasonable attorneys fees and costs associated with this Motion be awarded to Movant.

RESPECTFULLY SUBMITTED,
POWERS KIRN, LLC

By: /s/ Jill Manuel-Coughlin, Esquire

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Attorney for Movant

19-0336

Dated: June 15, 2020